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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,239	07/31/2003	Robert Alan Germaine	166538004US	3319
25096	7590	10/13/2004	EXAMINER	
PERKINS COIE LLP			LEE, BENJAMIN C	
PATENT-SEA			ART UNIT	PAPER NUMBER
P.O. BOX 1247				2632
SEATTLE, WA 98111-1247				

DATE MAILED: 10/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/632,239	GERMAINE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Benjamin C. Lee	2632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 24 March 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-38 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-38 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/31/03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

## **DETAILED ACTION**

### **Claim Status**

1. Claims 1-38 are pending.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. Claims 1-25 and 29-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brooks et al. (US 2003/0210139) in view of Hartsog (US 4,964,060) and Becker (US 5,297,252).
  - 1) In considering claims 1-3:

Brooks et al. discloses a method for evaluating security (Abstract and Fig. 1) of a facility having buildings (paragraphs 0004 to 0005 of page 1), the method comprising: for each building of the facility, providing information describing characteristics of the building (112 of Fig. 1); providing criteria for determining, based on the provided information, whether a building belongs to a particular security requirements rating, for each building of the facility, applying the provided criteria to determine, based on the provided information, whether a building belongs to a particular security requirements rating (Fig. 1, wherein individual facility security components as well as the facility as a whole are being evaluated) according to predefined company or industry standards or independent or user defined standards (0009 of page 1; 0027 and 0029 of page 3), and generating ratings, reports and recommendations for modifications in order to raise the ranking/rating to a user (lines 1-4 on the left column of page 2) whereby a map or schematic

of the facility can be used in setting up the security evaluation (lines 1-5 on paragraph 0031 of page 3), and facility or facility components having a security value below a predetermined threshold can be identified as being in need of review and improvement (0033-0034 on pages 3-4).

Hartsog discloses the comparison of building facility attributes including structural and security attributes to standards, regulations and codes for compliance determination (Abstract; Figs. 1 & 6; col. 1, lines 8-19 & 59-61; col. 2, lines 18-20; col. 5, lines 3-12 & 39-44; col. 25, lines 34-36).

Becker teaches using color-coded and flashing depiction of processed events on a displayed facility and floor plan map for improved event and facility status indication using improved spatial recognition depiction (col. 2, lines 18-22; Figs. 6, 8A-8B).

In view of the teachings by Brooks et al. and Hartsog, it would have been obvious to one of ordinary skill in the art at the time of the claimed invention that one reason of evaluating the facilities against security standards to provide ratings and recommending modifications to raise low ratings of facility security in a system such as taught by Brooks et al., is to determine security adequacy or inadequacy, and ultimately to determine security requirement compliance, so that a process of comparison of facility attributes to facility requirement rules to determine compliance analogous to the one taught by Hartsog can be used in a system such as taught by Brooks et al. so that the user does not have to separately mentally perform such a comparison between the determined security ratings against rules/regulations when determining compliance.

Furthermore, since Brooks et al. recognizes the convenience afforded the user by using a map display of the facility in identifying facility security components, in view of the teachings

Art Unit: 2632

by Brooks et al., Hartsog and Becker, it would have been obvious to one of ordinary skill in the art at the time of the claimed invention to convey compliance status including each building of the facility that complies with the security requirements such as taught by Brooks et al. and Hartsog by way of a facility map and status indications using color code and icon-flashing such as taught by Becker, for example via highlight by way of a color such as green for compliance and red of incompliance based on user preference, in order to help the user in visually distinguishing and identifying it easily and conveniently through spatial recognition in the context of the whole facility.

2) In considering claim 4, Brooks et al., Hartsog and Becker render all of the claimed subject matter obvious as in claim 1, wherein:

It would have been obvious to one of ordinary skill in the art at the time of the claimed invention that a building complies the security requirements when it meets each security requirement, and not complying when it doesn't meet each security requirement, in a system such as taught by Brooks et al., Hartsog and Becker.

3) In considering claim 5, Brooks et al., Hartsog and Becker render all of the claimed subject matter obvious as in claim 1, wherein:

It would have been obvious to one of ordinary skill in the art at the time of the claimed invention that applying of the facility security rules in a system such as taught by Brooks et al., Hartsog and Becker, whether those imposed by organizations, landlords, tenants, government agencies, indicate whether each security requirement for a building is adequate or inadequate thus indicating compliance or not.

4) In considering claim 6, Brooks et al., Hartsog and Becker render all of the claimed subject matter obvious as in claim 5, wherein:

Since security requirement rules such as those imposed by regulatory bodies and government agencies may change over time due to various reasons, it would have been obvious to one of ordinary skill in the art at the time of the claimed invention to indicate any update/mitigation of provided rules, either by way of automatic updating or manual input, when applying the provided rules in determining security requirement compliance for a building including one that has previously been deemed inadequate in a system such as taught by Brooks et al., Hartsog and Becker so that the evaluation is relevant to current rules and requirements/regulations.

5) In considering claims 7-8, Brooks et al., Hartsog and Becker render all of the claimed subject matter obvious as in claim 1, wherein:

Becker teaches a user interactive display allowing user selection of a facility hierarchy detail and displaying to the user provided information including an indication of processed events and status as a convenient way of allowing a user to access such provided information (col. 2, lines 18-22; Figs. 6, 8A-8B).

It would have been obvious to one of ordinary skill in the art at the time of the claimed invention to incorporate a user interactive feature such as taught by Becker in a system such as taught by Brooks et al., Hartsog and Becker so that upon receiving from a user a selection of a facility hierarchy detail such as a particular building of a facility, provided information for the selected building including the map/schematic of the facility and compliance information is conveyed to the user as a convenient way of selectively providing information access to the user.

6) In considering claim 9, Brooks et al., Hartsog and Becker render all of the claimed subject matter obvious as in claim 1, including:

--the claimed receiving from the user additional information on a building and reapplying the provided rules to determine, based on the provided and additional information, whether the building complies with the security requirements (0033-0034 on pages 3-4 of Brooks et al.)

7) In considering claim 10, Brooks et al., Hartsog and Becker render all of the claimed subject matter obvious as in claim 1, plus the consideration of claim 6 above.

8) In considering claims 11-12, Brooks et al., Hartsog and Becker render all of the claimed subject matter obvious as in claim 1, wherein:

It would have been obvious to one of ordinary skill in the art at the time of the claimed invention that the characteristics of a building in a security evaluation system such as taught by Brooks et al., Hartsog and Becker relate to windows, doors, and walls as well as the use of the building according to 0009, 0021-0026 and 0004-0006 of Brooks et al. whereby the facilities includes various different types/uses of buildings.

9) In considering claim 13, Brooks et al., Hartsog and Becker render all of the claimed subject matter obvious as in claim 1, including:

--the claimed provided information is derived from map information of the facility is met by the identification assignment of various areas, spaces and access points of the facility using a map or schematic of the facility (0031 of Brooks et al.) for use in attribute inputs which would be location specific, such as by use of positional coordinates or other spatial identification within the facility (i.e. derived from map information).

Art Unit: 2632

10) In considering claim 14, Brooks et al., Hartsog and Becker render all of the claimed subject matter obvious as in claim 1, wherein:

Since the security values of Brooks et al. are calculated as a function of the security measures installed at the facility components and based on predefined company or industry standards (0029 on page 3), it would have been obvious to one of ordinary skill in the art at the time of the claimed invention that to include in the rules in a system such as taught by Brooks et al., Hartsog and Becker calculation rules for calculating values from the provided information and requirements rules for determining whether a security requirement is complied with based on the provided information and the calculated values.

11) In considering claims 15-17, Brooks et al., Hartsog and Becker render all of the claimed subject matter obvious as in claim 1, including:

--the claimed facility is a military installation, campus of a nonmilitary organization in the form of a company is met by 0004-0006 of Brooks et al.

12) In considering claims 18-20, Brooks et al., Hartsog and Becker render all of the claimed subject matter obvious as in claim 1, including:

--the claimed wherein the displayed map includes road, parking and facility perimeter information (0005, 0009, 0020-0027 and 0031 of Brooks et al. in combination with the displayed map of Becker).

13) In considering claim 21, Brooks et al., Hartsog and Becker render all of the claimed subject matter obvious as in claim 1, wherein:

Since security requirement rules such as those imposed by regulatory bodies and government agencies may change over time due to various reasons so that security requirements

may be mitigated, it would have been obvious to one of ordinary skill in the art at the time of the claimed invention to indicate any mitigation information on the displayed map in a system such as taught by Brooks et al., Hartsog and Becker so that a user of the displayed map is aware of such mitigation information and as a result can interpret the displayed compliance information correctly, which is in the context of the current mitigated rules/requirements and not of the old.

14) In considering claim 22, Brooks et al., Hartsog and Becker render all of the claimed subject matter obvious as in claim 1, including

The claimed wherein a security requirement may be relaxed to assist in evaluating the benefit of complying with the nonrelaxed security requirement (0033 on pages 3-4 of Brooks et al.)

15) In considering claims 23-25, Brooks et al., Hartsog and Becker render all of the claimed subject matter obvious as in the consideration of claim 1.

16) In considering claim 29, Brooks et al., Hartsog and Becker render all of the claimed subject matter obvious as in claim 23, plus the consideration of claim 3.

17) In considering claim 30, Brooks et al., Hartsog and Becker render all of the claimed subject matter obvious as in claim 23, plus the consideration of claim 6.

18) In considering claim 31, Brooks et al., Hartsog and Becker render all of the claimed subject matter obvious as in claim 23, plus the consideration of claim 7.

19) In considering claim 32, Brooks et al., Hartsog and Becker render all of the claimed subject matter obvious as in claim 23, plus the consideration of claim 9.

20) In considering claim 33, Brooks et al., Hartsog and Becker render all of the claimed subject matter obvious as in claim 23, plus the consideration of claim 10.

21) In considering claim 34, Brooks et al., Hartsog and Becker render all of the claimed subject matter obvious as in the consideration of claim 23.

22) In considering claim 35, Brooks et al., Hartsog and Becker render all of the claimed subject matter obvious as in claim 34, including:

--the claimed including means for providing information for an element describing measures taken to mitigate risks of a security requirement (0033-0034, pgs. 3-4 of Brooks et al.)

23) In considering claim 36, Brooks et al., Hartsog and Becker render all of the claimed subject matter obvious as in claim 34, plus the consideration of claims 3 & 29.

24) In considering claim 37, Brooks et al., Hartsog and Becker render all of the claimed subject matter obvious as in the consideration of claims 1 and 23, wherein:

It would have been obvious to one of ordinary skill in the art at the time of the claimed invention that the computerized evaluation processes of a method such as taught by Brooks et al., Hartsog and Becker can be implemented as instructions for controlling a computer system to perform such processes and contained/stored in a computer-readable medium for convenient transport and distribution.

25) In considering claim 38, Brooks et al., Hartsog and Becker render all of the claimed subject matter obvious as in claim 37, wherein:

--the claimed said security requirement are designed to reduce the risk of a terrorist attack on the facility constitutes an intended use, or the inherent effect, of the facility security evaluation and recommendation system/method of Brooks et al., Hartsog and Becker.

4. Claims 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brooks et al. in view of Hartsog, Becker and Megerle (US 6,610,977).

Art Unit: 2632

1) In considering claims 26-27, Brooks et al., Hartsog and Becker render all of the claimed subject matter obvious as in claim 23, while:

Megerle teaches the including of screening/detection of biological and chemical hazards and thus providing security/protection thereto.

In view of the teachings by Brooks et al., Hartsog, Becker and Megerle, it would have been obvious to one of ordinary skill in the art at the time of the claimed invention to include biological and chemical hazards security requirements such as taught by Megerle in a facility security evaluation system such as taught Brooks et al., Hartsog and Becker so as to provide compliance information for such biological and chemical hazards security requirements as well for facilities prone to or having potential biological and chemical hazards.

5. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brooks et al. in view of Hartsog, Becker and Bache (US 6,651,011).

1) In considering claims 28, Brooks et al., Hartsog and Becker render all of the claimed subject matter obvious as in claim 23, while:

Bache teaches the known use of facility construction having protection against aerial hazards as a security measure (col. 12, lines 13-43).

In view of the teachings by Brooks et al., Hartsog, Becker and Bache, it would have been obvious to one of ordinary skill in the art at the time of the claimed invention to include aerial hazard security requirements such as the standard established by Bache in a facility security evaluation system such as taught Brooks et al., Hartsog and Becker so as to provide compliance information for such aerial hazard security requirement as well for facilities prone to or having potential for aerial hazards.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1) US 5650800, 5440498, 6293861, 2003/0127122, 5295062, 6003010, 5977872,  
6701281, 5726884

--Various similar known facility security display and/or evaluation methods/systems.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin C. Lee whose telephone number is (571) 272-2963. The examiner can normally be reached on Mon -Fri 11:00Am-7:30Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
\_\_\_\_\_  
Benjamin C. Lee  
Primary Examiner  
Art Unit 2632

B.L.